

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:)	CASE NO: 10-55072
)	Chapter 13
Mariano Frances Brantley)	
)	
Debtor(s).)	Judge Marilyn Shea-Stonum
)	
)	ADVERSARY NO: 10-05147
Mariano Frances Brantley)	
Plaintiff)	<u>MOTION TO DISMISS PARTY</u>
)	<u>DEFENDANT</u>
v.)	
CitiMortgage)	
Defendant)	
and)	
Mortgageit, Inc.)	
Defendant)	

Now comes the plaintiff, by and through the undersigned counsel, who prays for the entry of an order dismissing Mortgageit, Inc. as a party defendant in the within adversary action. The plaintiff states that pursuant to the correspondence attached hereto as Exhibit "A," Mortgageit, Inc. avers that it no longer has any ownership interest in the second mortgage that is the subject of the plaintiff's complaint and that it is not a proper party to this adversary action to strip this second mortgage.

WHEREFORE, the plaintiff prays for the entry of an order dismissing the within complaint as to the defendant Mortgageit, Inc., only.

Respectfully Submitted,

/s/ Robert M. Whittington, Jr. 0007851
Attorney for the Plaintiff
159 S. Main St., Suite 1023
Akron, OH 44308
330 384 8484
fax 330 384 8953
elkwhitt@neo.rr.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was sent by ordinary U.S. Mail, postage prepaid, this 8th day of December, 2010 to:

Mary Doherty, Counsel,
MortgageIT, Inc.
60 Wall St., 36th Floor
New York, NY 10005

/s/ Robert M. Whittington, Jr.

Subject: Fw: Mariano F. Brantley v. CitiMortgage, MortgageIT, Inc. et al. - Summons and Complaint
From: Mary Doherty <mary.doherty@mortgageit.com>
Date: Tue, 7 Dec 2010 17:50:35 -0500
To: elkwhitt@neo.rr.com

Dear Mr. Whittington,

I am in-house counsel for MortgageIT, Inc. and in receipt of the above referenced complaint. Please be advised that this second lien loan was a MERS loan and it was sold on the secondary mortgage market. Indeed, MortgageIT, Inc. sold the second lien to CitiMortgage, Inc. in or about April 5, 2007. Accordingly, attached please find the relevant MERS documents that indicate the transfer via the MERS system and that Citimortgage, Inc. is the current investor and servicer of record. Furthermore, your client should be receiving monthly mortgages statements from Citimortgage, Inc. (indicating that it is the investor and servicer of record) with regard to this second lien. Accordingly, because MortgageIT, Inc. no longer own this loan, it is not a proper party to this lawsuit and requests that it be dismissed from this matter. As a courtesy, we have sent this notification to Citimortgage, Inc.

Thank You and Kind Regards,

Mary Doherty, Esq.
Counsel
MortgageIT, Inc.
60 Wall Street, 36th Floor
New York, NY 10005

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Deutsche Bank does not render legal or tax advice, and the information contained in this communication should not be regarded as such.

Mariano Frances Brantley v. Citimortgage, et al. - Summons & Complaint.pdf

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MERS-Mariano Brantley.pdf

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MILESTONES for 1001120-6571877289-6



Description	Date	Initiating Organization / User	Milestone Information
Transfer of Beneficial Rights - Option 2	04/05/2007	1001120 MortgageIT, Inc. Jared Pierce	MIN Status: Active (Registered) New Investor: 1000115 CitiMortgage, Inc. Old Investor: 1001120 MortgageIT, Inc. Batch Number: 4468543 Transfer Date: 04/04/2007
Transfer of Flow Servicing Rights	06/30/2006	1000375 GMAC Mortgage, LLC Batch	MIN Status: Active (Registered) New Servicer: 1000115 CitiMortgage, Inc. Old Servicer: 1001120 MortgageIT, Inc. New Subservicer: None Old Subservicer: 1000375 GMAC Mortgage, LLC Batch Number: 3542000 Sale Date: 06/21/2006 Transfer Date: 06/21/2006
Registration	04/17/2006	1001120 MortgageIT, Inc. Batch	MIN Status: Active (Registered) Servicer: 1001120 MortgageIT, Inc. New Subservicer: 1000375 GMAC Mortgage, LLC Old Subservicer: None

MIN SUMMARY**Summary**

1001120-6571877289-6	Active (Registered)
737 GRACE AVE	MOM
AKRON, OH 44320	Subordinate Lien
Reg Date	04/17/2006
County	Summit QR Y
Primary Borrower	BRANTLEY, MARIANO
Pool Number	N/A
Investor Loan Number	N/A
Note Amount	\$14,800.00
Note Date	04/07/2006
Servicer	1000115 - CitiMortgage, Inc.
Custodian	N/A
Investor	1000115 - CitiMortgage, Inc.
Subservicer	N/A
Interim Funder	N/A
Originating Organization	N/A
Property Preservation Co.	N/A

Pending Batches

Batch Number	Transfer Type	Status	Transfer Date	Sale Date
No Pending Batches!				